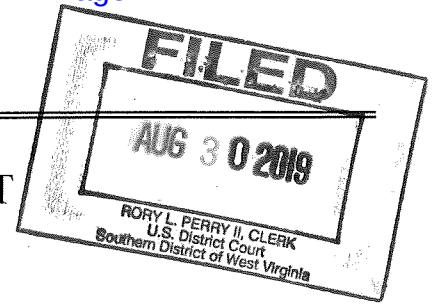


Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)



UNITED STATES DISTRICT COURT

for the

District of

West Virginia Division

Case No.

5:19-cv-00629
(to be filled in by the Clerk's Office)

MALIK WILLIAMS, PRO SE

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

JASON WEAVER

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	MALIK WILLIAMS		
All other names by which you have been known:			
ID Number	FED.REG.NO.# 55348-039		
Current Institution	FCI FORT DIX		
Address	P.O. BOX 2000		
	JOINT BASE MDL,	NJ	08640
	<i>City</i>	<i>State</i>	<i>Zip Code</i>

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (*if known*) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name	JASON WEAVER		
Job or Title (<i>if known</i>)	PHSYCIATRIST REPRESENTATIVE/HEAD DOCTOR		
Shield Number	UNKNOWN		
Employer	FEDERAL BUREAU OF PRISONS		
Address	FCI BECKLEY		
	BECKLEY	WVA	25801
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
<input type="checkbox"/> Individual capacity <input checked="" type="checkbox"/> Official capacity			

Defendant No. 2

Name			
Job or Title (<i>if known</i>)			
Shield Number			
Employer			
Address			
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
<input type="checkbox"/> Individual capacity <input type="checkbox"/> Official capacity			

Defendant No. 3

Name _____

Job or Title *(if known)* _____

Shield Number _____

Employer _____

Address _____

City _____

State _____

Zip Code _____

☐ Individual capacity☐ Official capacity

Defendant No. 4

Name _____

Job or Title *(if known)* _____

Shield Number _____

Employer _____

Address _____

City _____

State _____

Zip Code _____

☐ Individual capacity☐ Official capacity**II. Basis for Jurisdiction**

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against *(check all that apply)*:

☒ Federal officials (a *Bivens* claim)

☐ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

My 4th, 5th, 6th, 8th, and 14th Amendment Constitutional Rights have been violated.

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials? 4th, 5th, 6th, 8th, and 14th Constitutional rights have been violated.

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (*check all that apply*):

- ☐ Pretrial detainee
- ☐ Civilly committed detainee
- ☐ Immigration detainee
- ☐ Convicted and sentenced state prisoner
- ☒ Convicted and sentenced federal prisoner
- ☐ Other (*explain*) _____

IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

- B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

On October around the beginning of the month I went to see Dr.J.Weaver from a response to a cop out to participate in a drug program and upon meeting with Dr.Weaver he requested me to pull out my penis to show him in order for me to be placed in to the drug residential program which I could receiv up to 1 year off of my sentence. This happend in 10/10/18.

C. What date and approximate time did the events giving rise to your claim(s) occur?

It was some time around the beginning of October in the year of 2018.

D. What are the facts underlying your claim(s)? *(For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)* I was in Dr. Weaver's office where he sexually assaulted me and used his position to bribe me off entering a program wherea though I could receive up to 1 year off of my prison sentence.

V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive. I have sustianed mental injuries which are effecting the way that I live each day in prison, sleep and interact with other staff at which point I am paranoid to even talk to any prison official.

VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims. I have sought legal advice at expense of my own free will to help me resolve this attack, and I am suffering a irreparable harm that could last for my entire life by a government official which may occur even after my prison term whereas though I would have to continue to pay for treatment and therefore I am requesting 2.3 million dollars in punitive damages for a injury that is real and life threatening.

VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

- A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?
- ☒ Yes
- ☐ No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

- B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?
- ☒ Yes
- ☐ No
- ☐ Do not know

- C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?
- ☒ Yes
- ☐ No
- ☐ Do not know

If yes, which claim(s)?

All of them.

- D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☐ Yes

☒ No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

☒ Yes

☐ No

- E. If you did file a grievance:

1. Where did you file the grievance?

With the Bureau of Prisons Regional Director
Angela Dunbar
Federal Bureau of Prisons
302 Sentinel Dr.
Suite 200
Annapolis Junction, MD 20701

2. What did you claim in your grievance?

That I was sexually harrassed by a staff memeber who also tired to
bribe me.

3. What was the result, if any?

Nothing, Just notified that I would be okay.

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. *(Describe all efforts to appeal to the highest level of the grievance process.)*

I did not follow the in house grievance because it would have been a
conflict of interest and the staff there probably would have not done
anything to help me so I file with the Region and told my family.

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

I did not trust the officials who worked at the prison and felt embarrassed and thought that they might of considered me a liar and do nothing about it, or place me in the shu which they did any way for 8 months.

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

I informed the Regional Director Angela Dunbar in the month of October and there wasn't a response I was placed in the shu as a retaliator behind my confession fro 8 months.

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies. I did a declaration that I wrote in blue ink by hand and mailed that to the F.B.O.P. Regional Director Ms.Dunbar and to my family at home.

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.) See my Affidavit In Support Of Damages and Injury which is incorporated herein by reference and used as exhibit 2.

VIII. Previous Lawsuits

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has "on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this "three strikes rule"?

☐ Yes

☒ No

If yes, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

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A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☐ Yes

☒ No

B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit N/A

Plaintiff(s)

Defendant(s)

2. Court *(if federal court, name the district; if state court, name the county and State)*

3. Docket or index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

☐ Yes

☐ No

If no, give the approximate date of disposition.

7. What was the result of the case? *(For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)*

C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment? No.

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☐ Yes

☒ No

D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) _____

Defendant(s) _____

2. Court *(if federal court, name the district; if state court, name the county and State)*

3. Docket or index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

☐ Yes

☐ No

If no, give the approximate date of disposition _____

7. What was the result of the case? *(For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)*

IX. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing:

July 22, 2019

Signature of Plaintiff

MALIK WILLIAMS

Printed Name of Plaintiff

MALIK WILLIAMS

Prison Identification #

55348-039

Prison Address

FCI FORT DIX P.O. BOX 2000

JOINT BASE MDL
CityNJ
State08640
Zip Code**B. For Attorneys**

Date of signing:

July 22, 2019

Signature of Attorney

MALIK WILLIAMS PRO SE

Printed Name of Attorney

MALIK WILLIAMS PRO SE

Bar Number

Name of Law Firm

Address

City

State

Zip Code

Telephone Number

E-mail Address

AFFIDAVIT IN SUPPORT OF CLAIM
FOR DAMAGE AND INJURY

A matter must be expressed for being resolved. In commerce, truth is sovereign. Truth is expressed in the form of an affidavit. An affidavit not rebutted stands as truth in commerce. An affidavit not rebutted after thrity (30) days, become the judgment in commerce. A truth affidavit, under commercial law, can only be satisfied by truth affidavit rebuttal, by payment, by agreement, by resolution or by common law rule jury.

I, Malik Williams, being first duly sworn, depose affirm and say on the record;

- 1.) That I, the affiant suffered sexual harrassment from Dr.J.Weaver on or around October 10, 2018 within the confines of the Federal Correctional Institution, Beckley in West Virginia.
- 2.) That I visited Dr.J.Weaver at his office at the institution where I was asked if I wanted to get time off of my sentence and be placed in the program that could provide me with that assistance.
- 3.) That Dr.J.Weaver stated to me that he was putting me in for that program to receive time off and then asked me what was I willing to do for it ?
- 4.) I replied whatever it takes.
- 5.) Dr.J.Weaver then requested that I pull out my penis and show and provide other sexual favors for him.
- 6.) That I was in shock, felt frieghtend and did not respond but immediately left out of his office.
- 7.) That upon leaving Dr.J.Weaver's office I immediately e-mailed my family and notified them of this sexual attack that took place against me.
- 8.) That after my family received my e-mail that they took immediate action and contacted the Assistant Regional Director Ms.Angela Dunbar.
- 9.) That I was contacted by staff would informed me to never bring up the fact that Dr.Weaver told me to pull out my penis cause he bribed me with the year off.
- 10.) I was scared for my life and kept quite but still contacted my family through mail and other means of communication to let them know what was happening to me behind all of this.
- 11.) That I never receive any response from my family nor was my mail sent out or returned back to me.
- 12.) That from that point I have been afraid of what the guards might try to do to me if I were to expose this information and have been suffering from lack of sleep and paranoia.
- 13.) I was retaliated against by the FCI Beckley staff who placed me in the disciplinary housing unit for 8 months then transferred me to FCI Fort Dix where I am presently residing.
- 14.) That I did infact start my administrative remedy process which have been stultified, by in house authorities so I wrote directly to the region and contacted Kristen Keller who told me that she would handle the situation. I have heard nothing since then. I did not want to do the BP-8, BP-9 because they are all filed within the confines of the institution and there are probably other victims who have been silenced behind such filings this is why I filed directly to the region.

15.) That in my relief I am requesting punitive damages in the amount of 2.3 million for suffering a irreparable harm which is mental challenging and lack of sleep and paranoia and no treatment by staff who also played apart in protecting this sexual harrassment attack by one of their staff members.

16.) That all of the above mentioned attestations are made in good faith and are true, correct, and not ment to mislead so help me god.

17.) The Warden, the FBOP, Dr.J.Weaver, and the FCI Beckley Staff are to rebutt line for line and point for point each and every attestation made herein or else these claims shall stand as proof of claim as well as truth in any court of law now or in the future.

18.) After the receipt of this affidavit in support of claim for damage and injury is received by the appropriate official responsible for the misconduct of the above mentioned individual, then they have only 15 days to cure or else this affidavit shall stand as proof of claim and truth in any court of law as a default and the above affiant shall use this affidavit for default judgment against the above metioned respondent(s) in any court of law to collect for injuries and damages which he encured that are real.

19.) Affiant hereby demands that,

- a) he receive proffessional medical treatment for his mental assault;
- b) that he be compensated for the injuries and damages he encumbered which are infact physical and real and are affective mentally challenging whereas sleep is hardly begotten as well as trust and paranoia which can become a permanent life time effect on his mental.
- c) violation of his 4th, 5th, 6th, 8th, and 14th Amendment U.S. Constitutional Rights for unconstitutional injuries and damages associated with the actions stated above by Dr.J.Weaver be compensated in a

Sum Certain amount of \$2.3 million (TRD-not to exceed \$500,000,000.00) by The Federal Bureau of Prisons, Warden, Phsycology Department, Dr.J.Weaver and the FCI Beckly Staff at FCI Beckley, WVA 25801.

Witness my hand and seal done on this 22 day of July, 2019.

Further Affiant Saith Not.

cc: WARDEN, Dr.J.Weaver, Phsycology Dept.,
F.B.O.P. Representatives, and The FCI
Beckley located at FCI Beckly, WVA
25801.

Respectfully submitted,

By: Malik Williams
MALIK WILLIAMS, ACTING PRO SE
FED.REG.NO.# 55348-039
UNIT 5711
FEDERAL CORRECTIONAL INSTITUTION
FORT DIX
P.O. BOX 2000
JOINT BASE MDL, NJ 08640

CERTIFICATE OF SERVICE

I, MALIK WILLIAMS, acting Pro se litigant in accordance with 28 U.S.C. § 1746 under the pains and penalty of perjury without the United States hereby certify that I served this Affidavit In Support of Claim For Damage and Injury to the Federal Bureau of Prisons, 302 Sentinel Dr., Suite 200, Annapolis Junction, MD 20701 and the Torts Branch Civil Division, U.S. Department of Justice, Washington, D.C. 20530 by United States Postal certified mailing service on this 22 day of July 2019.

Respectfully submitted,

By: Malik Williams

cc: WARDEN, Dr.J.Weaver, Phsycology Dept.,
F.B.O.P. Representatives, and The FCI
Beckley Staff located at FCI Beckley, WVA
25801.

MALIK WILLIAMS, ACTING PRO SE
FED.REG.NO.#55348-039
UNIT 5711
FEDERAL CORRECTIONAL INSTITUTION
FORT DIX
P.O. BOX 2000
JOINT BASE MDL, NJ 08640